



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P. (MD) No.17932 of 2018

and

W.M.P. (MD) No.15813 of 2018

R.Babu

... Petitioner

vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Registrar,
Katcheri Road,
Kumbakonam,
Thanjavur District.

3.The Joint Sub Registrar,
Kumbakonam,
Thanjavur District.

4.The Tahsildar,
Kumbakonam,
Thanjavur District.

5.Sri Sri 1008 Sathya Athama Theerthar,
Uthirathimutt - Trustee,
No.4, Pamba Mahakavi Road,
Basavangudi,
Bangalore,
Karnataka State.

6.R.Prakash

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the record pertaining the impugned order passed by the first respondent in his proceedings in Na.Ka.No.Ni.See-2/20141/2017, dated 31.07.2018 and quash the same as illegal and arbitrary and consequently direct the third and fifth respondents do not execute and register the any trust nomination deed in favour of the sixth respondent and his family members with regard to Sri Lakshmi Naraisimma Swamy Private Trust.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.M.Murugan
Government Advocate
For R1 to R4

O R D E R

The entire issue raised in the writ petition appears to be a dispute among the trustees and the nomination of the trustees. According to the averments of the petitioner, there is already a civil dispute and a Civil Revision Petition are pending in regard to the same trust properties.

2. While that being the case, this Court does not understand how the present Writ Petition is maintainable against the order passed by the first respondent, dated 31.07.2018. The petitioner seems to have some apprehension that the nomination of certain trustees may be registered in violation of the petitioner's right. In any event, such dispute can be resolved only before the competent civil Court and not before this Court. It is always open to the petitioner to work out his remedies in the pending suit or even approach the civil Court afresh for enforcing his right as against the private respondent. Therefore, this Court is of the considered view that the writ petition is not maintainable and therefore, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

- 1.The District Collector,
Thanjavur District, Thanjavur.
- 2.The District Registrar,
Katcheri Road,
Kumbakonam, Thanjavur District.
- 3.The Joint Sub Registrar,
Kumbakonam, Thanjavur District.
- 4.The Tahsildar,
Kumbakonam,
Thanjavur District.

+1cc to M/S.G.Gomathi Sankar, Advocate SR.No. 78326
+1cc to Special Government Pleader, SR.No. 78422

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